

CHAPTER THREE  
TABLE OF CONTENTS

CHAPTER 3. ....	<a href="#">Ch. 3 Pg. 1</a>
GENERAL COUNTY INFORMATION. ....	<a href="#">Ch. 3 Pg. 1</a>
ARTICLE I.        GENERAL BUILDING REGULATIONS. ....	<a href="#">Ch. 3 Pg. 1</a>
Sec. 3-1.        County office hours... ..	<a href="#">Ch. 3 Pg. 1</a>
Sec. 3-2.        Smoke-free environment... ..	<a href="#">Ch. 3 Pg. 1</a>
Sec. 3-3.        Prohibition on Dangerous Items - Courthouse and Administration Building. .....	<a href="#">Ch. 3 Pg. 1</a>
Sec. 3-4.        Prohibited Items.. ..	<a href="#">Ch. 3 Pg. 2</a>
ARTICLE II.        FEES AND JURY COMPENSATION. ....	<a href="#">Ch. 3 Pg. 2</a>
Sec. 3-11.        Compensation and travel expenses... ..	<a href="#">Ch. 3 Pg. 2</a>
Sec. 3-12.        Fees for copies and recording... ..	<a href="#">Ch. 3 Pg. 2</a>
ARTICLE III.        REGISTER OF DEEDS AUTHORIZATIONS. ....	<a href="#">Ch. 3 Pg. 3</a>
Sec. 3-21.        Authority of register of deeds to destroy certain documents. .....	<a href="#">Ch. 3 Pg. 3</a>
Sec. 3-22.        Authority of register of deeds to microfilm.. . .	<a href="#">Ch. 3 Pg. 3</a>
Sec. 3-23.        Copies of daily recordings, filings of documents relative to real property; fees... ..	<a href="#">Ch. 3 Pg. 3</a>
ARTICLE IV.        MISCELLANEOUS AUTHORIZATIONS. ....	<a href="#">Ch. 3 Pg. 4</a>
Sec. 3-36.        Auditor access to information and records... ..	<a href="#">Ch. 3 Pg. 4</a>
Sec. 3-37.        Use of court commissioners in small claims matters. .....	<a href="#">Ch. 3 Pg. 4</a>
ARTICLE V.        RESERVED... ..	<a href="#">Ch. 3 Pg. 5</a>
ARTICLE VI.        PUBLIC RECORDS. ....	<a href="#">Ch. 3 Pg. 5</a>
Division 1.        Generally. ....	<a href="#">Ch. 3 Pg. 5</a>
Division 2.        Records Retention. ....	<a href="#">Ch. 3 Pg. 5</a>
Sec. 3-66.        Purpose.. ..	<a href="#">Ch. 3 Pg. 5</a>
Sec. 3-67.        Definitions.. ..	<a href="#">Ch. 3 Pg. 5</a>
Sec. 3-68.        Historical society notification... ..	<a href="#">Ch. 3 Pg. 5</a>
Sec. 3-69.        Destruction after request for inspection.. ..	<a href="#">Ch. 3 Pg. 5</a>
Sec. 3-70.        Destruction pending litigation.. ..	<a href="#">Ch. 3 Pg. 6</a>
Sec. 3-71.        Preservation of county records... ..	<a href="#">Ch. 3 Pg. 6</a>
Sec. 3-72.        Review and approval by public records and forms board. .....	<a href="#">Ch. 3 Pg. 6</a>
ARTICLE VII.        DISPOSAL OF COUNTY PROPERTY... ..	<a href="#">Ch. 3 Pg. 6</a>
Sec. 3-81.        Policy.. ..	<a href="#">Ch. 3 Pg. 6</a>
Sec. 3-82.        Definitions.. ..	<a href="#">Ch. 3 Pg. 7</a>
Sec. 3-83.        Responsibilities... ..	<a href="#">Ch. 3 Pg. 7</a>

## **CHAPTER 3**

### **GENERAL COUNTY INFORMATION**

#### **ARTICLE I. GENERAL BUILDING REGULATIONS**

##### **Sec. 3-1. County office hours.**

(a) The county law library and all county offices, except the sheriff's office, shall be closed on Saturdays.

(b) Subject to the provisions of subsection (a), courthouse offices shall be open, at a minimum, from 8:00 a.m. to 4:30 p.m. and all full-time offices shall be open during the noon hour.

(Res. No. 68, 9-24-57; Res. No. 6, 5-29-73; Ord. No 142-134, § 1, 2-3-88)

**State law reference** - Authority of county to regulate office hours, Wis. Stat. § 59.20(3)

##### **Sec. 3-2. Smoke-free environment.**

(a) Effective April 1, 1990, it is the policy of the county that all buildings and facilities under the control of the county be declared smoke-free. Individuals shall not be permitted to smoke within county buildings and facilities except as provided in subsections (1) and (2).

1. Restricted smoking areas may be designated by the county executive in county buildings and facilities where services are provided to adult clients who are confined to specific locations or where following consultation, medical or psychiatric providers have determined and recommended that such clients be permitted to smoke.
2. Restricted smoking areas may be designated by the county executive in county buildings and facilities when short term rental agreements include a provision to allow smoking in such buildings and facilities.

(b) Waukesha County recognizes that an effective application of this policy involves more than a policy statement, and that the county will take positive measures to assist employees who desire help to stop smoking.

(c) Waukesha County establishes as its goals and objectives under this policy to develop a healthy environment in its buildings and facilities for the public and its employees; to provide support to employees who are attempting to stop smoking; to create an awareness of the health hazards associated with smoking; to attempt to reduce the negative effect on employee health, morale, and productivity; and, to establish changes in smoking attitudes and behaviors.  
(Ord. No. 144-53, § 1, 8-15-89)

##### **Sec. 3-3. Prohibition on Dangerous Items - Courthouse and Administration Building.**

No person, except for law enforcement officers who are on duty at the time, will be permitted

admittance to the Waukesha county Courthouse and Administration Center if they are found to have in their possession any item that, in the discretion of security personnel, could pose a danger to the safety and security of persons working and conducting governmental business in the courthouse and administration buildings.

(Ord. No. 161-29, §1, 8-22-06)

#### **Sec. 3-4. Prohibited Items.**

Unless otherwise authorized the following list of items will not be permitted in the Courthouse and Administration Center:

1. Firearms
2. ammunition
3. explosives
4. knives
5. pellet guns
6. replica firearms
7. box cutters
8. razor blades

(Ord. No. 161-29, §1, 8-22-06)

#### **Secs. 3-5 - 3-10. Reserved.**

## **ARTICLE II. FEES AND JURY COMPENSATION**

#### **Sec. 3-11. Compensation and travel expenses.**

(a) The compensation of persons called to serve as jurors shall be in accordance with Wisconsin Statutes.

(b) Persons called to serve as jurors shall be reimbursed for travel expenses at the rate provided for by statute.

(Res. No. 242-2/80, 2-26-80)

**State law reference** - Compensation of jurors, Wis. Stats. §756.25 and § 20.916(8).

#### **Sec. 3-12. Fees for copies and recording.**

(a) The fees for copies made by the county clerk under the provisions of section 59.23(2) of the Wisconsin Statutes or for copies made by the county treasurer under the provisions of section 59.25(3) of the Wisconsin Statutes are as follows:

1. First copy, twenty-five cents (\$0.25);
2. Each duplicate of the first copy, ten cents (\$0.10);
3. Each certification, one dollar (\$1.00).

(b) The fees for the following services are as follows:

1. Recording certificates by the register of deeds under the provisions of section 867.045(2) of the Wisconsin Statutes, ten dollars (\$10.00);
2. Each additional page required for instruments submitted for recording with the register of deeds under the provisions of section 59.43(2)(a) of the Wisconsin Statutes, two dollars (\$2.00) per page.

(Res. No. 82-84, 7-17-84)

**State law reference** - Authority to establish fees, Wis. Stat. § 19.35(3).

**Secs. 3-13 - 3-20. Reserved.**

### **ARTICLE III. REGISTER OF DEEDS AUTHORIZATIONS**

#### **Sec. 3-21. Authority of register of deeds to destroy certain documents.**

The register of deeds is authorized to destroy all obsolete documents relating to chattels in his office that are more than seven (7) years old.

(Res. No. 12, 6-20-72)

**State law reference** - Authority to so provide, Wis. Stat. § 59.51.

#### **Sec. 3-22. Authority of register of deeds to microfilm.**

The register of deeds shall record, copy, re-copy, or replace any document which he is authorized or required by law to keep on file, by microfilm or other mechanical process which produces a clear, accurate, and permanent copy or reproduction of the original document, pursuant to chapter 228, Wisconsin Statutes. The register of deeds may substitute the headings reel and image (frame) for volume and page where recorded and different classes of instruments may be recorded, reproduced or copied on the same reel or part of a reel.

(Res. No. 116, 2-1-72; Res. No. 117, 2-1-72)

**State law reference** - Authority to so provide, Wis. Stat. § 228.07.

#### **Sec. 3-23. Copies of daily recordings, filings of documents relative to real property; fees.**

(a) *Register of deeds may contract to provide copies; authority of county board to set and reuse fees for providing such copies.* The register of deeds may enter into contracts with municipalities, private corporations, associations and other persons to provide non-certified copies of the complete daily recordings and filings of documents pertaining to real property, pursuant to section 59.43(2)(c), Wisconsin Statutes. The executive committee of the county board shall be delegated the ongoing authority to set and revise fees for the register of deed's provision of such documents; revision shall be considered only upon the written request of the register of deeds.

(b) *Fees to be reasonable; amounts.* The fees set by the executive committee shall be reasonable in amount and shall be based upon the register of deeds costs, which amount in no event shall be less than the cost of labor and material plus a reasonable allowance for plant and depreciation of equipment used.

(Ord. No. 142-121, § 1, 12-18-87)

**Editor's note** - Section 1 of Ord. No. 142-121, adopted Dec. 18, 1987, repealed former § 2-205 and enacted a new § 2-505 to read as herein set out. Former § 2-505 pertained to fees for copies of public records and derived from Res. No. 23612/84, adopted Dec. 19, 1984.

**State law reference** - Authority of register of deeds to enter into contracts to have records copied, Wis. Stat. § 59.43(2)(c).

**Secs. 3-24 - 3-35. Reserved.**

#### **ARTICLE IV. MISCELLANEOUS AUTHORIZATIONS**

##### **Sec. 3-36. Auditor access to information and records.**

(a) All officers and employees of the county and parties contracting with the county shall provide access to and furnish the county auditors with requested information, records and reports regarding powers, duties, activities, organization property, financial transactions, methods of operation, or any and all other records, reports or information in their custody. In addition, they shall provide access for the auditors to inspect all property, equipment and facilities within their custody.

(b) Any information provided to the auditors which is deemed confidential by federal, state or local laws shall be held as confidential and not disclosed to the public.

(c) The auditors shall have access to reasonable staff time of agency officers and employees as may be required for the performance of his or her duties.

(Ord. No. 145-116, § 1, 10-16-90)

**Editor's note** - Ordinance No. 145-116, adopted Oct. 16, 1990, did not specifically amend this Code; hence, inclusion of § 1 as § 2-508 was at the discretion of the editor.

##### **Sec. 3-37. Use of court commissioners in small claims matters.**

Court commissioners in the county, appointed under Wisconsin Statutes sections 767.13 and 757.68(1), shall be authorized to assist in the administration of small claims matters, including the conduct of hearings and proceedings as described by Wisconsin Statutes chapter 799, and those additional duties and authorities described Wisconsin Statutes section 757.695.

(Res. No. 283-2/86 3-27-86)

**Secs. 3-38 - 3-45. Reserved.**

## **ARTICLE V. RESERVED**

**Secs. 3-46 - 3-65. Reserved.**

## **ARTICLE VI. PUBLIC RECORDS**

Division 1. Generally

***Reserved.***

Division 2. Records Retention

### **Sec. 3-66. Purpose.**

The purpose of this chapter is to establish a county wide records retention schedule and authorize destruction of county records pursuant to that schedule on an annual basis. Record custodians do not have the authority to destroy records prior to the established retention period unless such records have been photographically reproduced as original records pursuant to section 16.61(7), Wisconsin Statutes, and any applicable section of this Code. If there is not a specific law requiring a specific retention period, all records must be retained seven (7) years, unless the Wisconsin Public Records and Forms Board fixes a shorter period.  
(Ord. No. 144-135, 10-17-89)

### **Sec. 3-67. Definitions.**

As used in this division:

*Legal custodian* means the individual responsible for maintaining records pursuant to section 19.33, Wisconsin Statutes.

*Record* means record as defined in section 19.32(2), Wisconsin Statutes.  
(Ord. No. 144-135, 10-17-89)

**Cross reference** - Authority of register of deeds to destroy certain records, § 3-21.

### **Sec. 3-68. Historical society notification.**

Prior to the destruction of any public record described in this division, at least sixty (60) days' notice in writing shall be given to the state historical society of Wisconsin. This division shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or state or federal administrative regulation.  
(Ord. No. 144-136, 10-17-89)

### **Sec. 3-69. Destruction after request for inspection.**

No requested record may be destroyed until after the request is granted by the state historical

society of Wisconsin or sixty (60) days after the request is denied. If an action is commenced under section 19.37, Wisconsin Statutes, the requested record may not be destroyed until a court order is issued and all appeals have been completed. See section 19.36(6), Wisconsin Statutes. (Ord. No.144-135, 10-17-89)

**Sec. 3-70. Destruction pending litigation.**

No record subject to pending litigation shall be destroyed until the litigation has been resolved.  
(Ord. No. 144-136, 10-17-89)

**Sec. 3-71. Preservation of county records.**

County records may be kept and preserved by any means approved by the county board and allowed by Wisconsin Statutes. County records may be kept and preserved through the use of microfiche providing that the microfilming meets the applicable standards established in section 16.61(7), Wis. Stats. After verification that destruction is allowed, paper records may be destroyed if these records are to be preserved in accordance with this section.  
(Ord. No. 144-136, 10-17-89)

**Sec. 3-72. Review and approval by public records and forms board.**

This division shall be reviewed and approved by the public records and forms board prior to its effective date.  
(Ord. No. 144-136, 10-17-89)

**Secs. 3-73 - 3-80. Reserved.**

**ARTICLE VII. DISPOSAL OF COUNTY PROPERTY**

**Sec. 3-81. Policy.**

(a) It is declared to be the policy of the county that surplus or obsolete county property shall be disposed of by the method most advantageous and cost effective to include:

1. Reallocation from one county department to another.
2. Sale through means of direct best offer, highest bid, or public auction.
3. Donation to a nonprofit organization, preferably one which is located within Waukesha County.
4. Sale as scrap for salvage value.
5. Discard as refuse or trash.

(b) The disposition methods outlined in this section do not apply to county property which is disposed of:

1. On a case-by-case basis by separate ordinance.
2. Under a specific method authorized by a different ordinance (i.e; county property

disposed of for value as part of a purchase transaction)  
3. Through enactment of disposition policy as contained in the annual operating budget (i.e., computer equipment, vehicle/equipment and copier replacement funds).  
(Ord. No. 150-112, § 1, 3-12-96)

### **Sec. 3-82. Definitions.**

Terms below have the following definitions:

*County property.* All assets or fixed assets owned by Waukesha County. As used in this article, county property does not include real property such as land or buildings.

*Asset.* A non-consumable item with a useful life greater than one (1) year and a current value less than one thousand dollars (\$1,000.00)

*Fixed asset.* A non-consumable item with a useful life greater than one (1) year and a current value greater than one thousand dollars (\$1,000.00).

*Obsolete.* County property which the county no longer needs.

*Refuse.* An item for which the cost of disposal exceeds its current value.

*Surplus.* County property which a department no longer needs but which may be useful to another department.  
(Ord. No. 150-112, § 1, 3-12-96)

### **Sec. 3-83. Responsibilities.**

(a) All county departments are required to notify the department of administration of any county property which a department has determined to be surplus or obsolete.

(b) The department of administration is responsible for:

1. Determining procedures for the reallocation of county property.
2. Preparing a summary list of all county property which has not been reallocated or which has not been disposed of as refuse and which will be subject to disposal under this policy. The list shall include a recommendation on a method of disposal.
3. Submitting to the finance committee, prior to disposal, a process for disposition based on the hierarchical order as set forth in this article.

(c) The finance committee shall review the process to dispose of county property under this article. However, if the finance committee has not acted to reject the department's recommended process at its next meeting, then the department shall dispose of the items as it had recommended.

(Ord. No. 150-112, § 1, 3-12-96)